

## INTERIM REPORT

The Standing Committee on State Development inquiry into the *Fisheries Management Amendment (Advisory Bodies) Act 1996* has generated considerable interest among the fishing community, with the Committee receiving 25 written submissions and oral evidence from 21 witnesses. The crux of the inquiry is the membership and method of selection of Ministerial Advisory Bodies.

While the Act outlines in general terms the way in which these bodies are to be formed, the detail is to be provided by the associated regulations. The *Fisheries Management Advisory Bodies Act 1996* (Division 2, 229 Ministerial Advisory Bodies) states that:

- (1) The Minister may, subject to and in accordance with the regulations, establish advisory councils, including advisory councils for the commercial, recreational, research and aquaculture sectors of the fishing industry.
- (2) The members of any such advisory council are to be appointed by the Minister in accordance with the regulations.
- (3) The functions of any such advisory council are:
  - (a) to advise the Minister on any matter referred to it by the Minister, and
  - (b) to advise the Minister on any other matter it considers relevant to the fishing industry sector for which it is established.

The Act also states (231 Regulations):

The regulations may make provision for or with respect to the establishment, composition, functions and procedure of any advisory council or committee under this Division.

On Thursday 13 February 1997, the Committee heard the following evidence in relation to such regulations from the Director of Fisheries:

**Dr GLAISTER:** The regulations for the management advisory

committees have been drafted or are being drafted. The regulations for the advisory bodies have not yet been drafted. The bodies that you refer to were established informally—in other words, they did not have statutory power and there has not yet been the requirement for them to undertake any actions that would require that power.

**CHAIRMAN:** How long will this state of limbo continue, given the legal and practical difficulties that it is clearly creating?

**Dr GLAISTER:** I understand that the management advisory committee regulations will be available Friday week.

**CHAIRMAN:** With consultation or to be gazetted?

**Dr GLAISTER:** For gazettal.

**CHAIRMAN:** So there is not to be any consultation about the regulations before they are gazetted, given your long standing commitment to consultation.

**Dr GLAISTER:** No. It is necessary to get the management advisory committee regulations in place so that the elections for the management advisory committees can occur as soon as possible. The intent of the regulations is to allow for the preparation of management plans for each of those fisheries as soon as possible<sup>1</sup>.

The Committee has corresponded with the Minister on three occasions (14/2/97, 3/3/97, 19/3/97) since this evidence was given. This correspondence resulted in the Department forwarding the Committee a draft copy of the regulations for the Management Advisory Committees, accompanied by suggested changes arising from further consultation with commercial fishermen. The Department did not nominate a date to furnish the Committee with regulations in relation to the proposed Ministerial Advisory Councils. The preliminary draft Ministerial Advisory Council regulations were received by the Committee on Tuesday 8 April 1997.

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<sup>1</sup> Evidence of Dr Glaister, 13 February 1997, p. 55.

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The Committee has a number of concerns regarding the delays that have occurred in drafting and gazetting the regulations associated with the *Fisheries Management Amendment (Advisory Bodies) Act 1996*. Firstly, the Committee is concerned about the apparent lack of consultation with stakeholders in drafting the regulations. Written submissions received by the Committee and evidence given during public hearings has generally indicated concern over the lack of consultation between the Department and the respective user groups. The Committee considers that such consultation is essential in ensuring the acceptance by stakeholders of regulations that have a significant impact on all those involved in the fishing industry. Public participation of some kind in the drafting of the regulations before their gazettal would therefore improve the chances of their wider acceptance.

Secondly, the Committee is concerned that the existing advisory structures are operating without the foundation of regulations to guide them.

Finally, the composition of the proposed fisheries advisory bodies, and particularly the role of conservationists, is central to the inquiry. The Committee found that it was unable to interpret the full impact of the Act, and therefore could not complete its inquiry, until it had access to all of the regulations governing the composition and function of the advisory bodies. The Committee cannot satisfactorily address the inquiry's Terms of Reference by the 11 April 1997 as it received the Ministerial Advisory Council regulations just three days before its Advisory Bodies Report was due to be tabled. Given these circumstances, the Committee has no other choice but to request an extension of the present tabling date to Thursday 19 June 1997.

